IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 19TH DECEMBER 2007 / 28TH AGRAHAYANA 1929

Bail Appl..No. 7892 of 2007()

SC.484/2007 of I ADDL.SUB COURT, THRISSUR
CRIME NO.462/03 OF THE KUNNAMKULAM POLICE STATION

.....

PETITIONER/ACCUSED NO.1

P.K.FAIZAL, S/O.MOHAMMED,
POLLAKUNNAN HOUSE, THIRUVIZHAMKUNNU P.O.,
KOTTAPADAM- I VILLAGE, PALAKKAD.

BY ADV. SRI.M.C.JOHN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
REPRESENTING SUB-INSPECTOR OF POLICE,
KUNNAMKULAM POLICE STATION.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 7892 OF 2007

Dated this the 19th day of December, 2007

ORDER

The petitioner faces indictment in a prosecution for offences punishable, inter alia, under Sec.413 of the IPC. The case has been committed to the Court of Session. It is pending before the Sessions Court, Thrissur, i.e., the Additional Assistant Sessions Court, Thrissur, as S.C.No.484/07. Consequent to the non-appearance of the petitioner, the learned Magistrate has issued coercive processes against the petitioner. Such processes chase the petitioner now.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Magistrate and seek regular bail. But the petitioner

apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is, in these circumstances, that the petitioner has come to this Court for a direction to the learned Magistrate to release him on bail when he appears before the learned Magistrate.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the petitioner's application for regular bail on merits, in accordance with law and expeditiously. No special or specific directions appear to be necessary. Every court must do the same. Sufficient general directions on this aspect have already been issued in the decision reported in **Alice George v. Deputy Superintendent of Police** (2003 (1) KLT 339).

4. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the learned Magistrate and seeks bail after giving sufficient prior

notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously – on the date of surrender itself.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge